

### **REMARKS**

Claim 3 has been amended to correct typographical errors. Claims 2-3, 5, 10-11 and 13 remain pending in this application. Reconsideration is respectfully requested in view of the following.

Claims 2-3, 5, 10-11 and 13 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2002/0136121 to Salmonsens et al. ("Salmonsens"). The rejection is respectfully traversed.

Claim 2 recites, "interrupting an operation of recording data in an optical data recording medium when a predetermined amount of data is continuously recorded", wherein "the predetermined amount of data is determined so that a time period required for completing recording of the predetermined amount of data is shorter than a time period over which a recording quality degrades due to a rise of a temperature of the laser." Salmonsens does not disclose this limitation.

The Office Action refers to Salmonsens ¶0019, lines 5-6, which states "[a]t one or more times during the write operation, the write process is halted, and the data that has been written is read." This quote, however, only states that the write process may be periodically halted. There is no mention of triggering the halt in the write process based on a predetermined amount of data being recorded.

The Office Action asserts that because Salmonsens performs periodic re-evaluation (based on triggers which may include temperature), this "*suggests* that the time period of the continuous recording of a predetermined amount of data is always shorter than the time period over which a recording quality degrades due to a rise of a temperature of the laser." (Emphasis added). In other words, the Office Action appears to be asserting that the temperature sensor trigger of Salmonsens will always produce the same result of the invention of claim 2. Applicant respectfully suggests that this conclusion does not address the issue of whether or not Salmonsens discloses the limitations of the claim.

Claim 2 recites interrupting based on “a predetermined amount of data.” Salmonsén does not disclose this. To conclude that the temperature trigger of Salmonsén could achieve the same goal neglects the fact that in so doing a device would require a temperature sensor and the writing process would require the additional steps of sensing the temperature and making a determination based on the detected temperature. These steps are not required in the claimed invention, which only requires triggering based on the recording of a predetermined amount of data. The use of a temperature sensor trigger adds additional steps which may be disadvantageous, particularly in a process where speed is of the essence. Salmonsén does not disclose triggering a re-evaluation based upon recording a predetermined amount of data, and this is a significant omission. Claim 2 is therefore allowable over Salmonsén.

Claim 3 recites, “interrupting an operation of recording data in an optical data recording medium when a predetermined amount of data is continuously recorded.” As the invention of claim 3 also includes a trigger based on a predetermined amount of data, claim 3 should be allowable over Salmonsén for at least the reasons provided above related to claim 2.

In addition, Salmonsén does not disclose a trigger based upon “a fluctuation of a sensitivity of a recording layer of the optical data recording medium.” The Office Action asserts that since Salmonsén teaches a trigger based on the change from CAV to CLV this “*implies* that sensitivity of the recording layer fluctuates along the radial direction of the optical disc.” (Emphasis added). Salmonsén is referring to a trigger based on speed here (constant angular velocity versus constant linear velocity), not based upon sensitivity in the recording layer. The trigger only monitors speed (using writing speed change detector 370), not the sensitivity of the recording layer. As Salmonsén does not disclose the limitations of claim 3, the claim is allowable over Salmonsén.

Claim 5 recites, “interrupting an operation of recording data in an optical data recording medium when a predetermined amount of data is continuously recorded,” similar to claims 2 and 3 and should be allowable over Salmonsén as well, since Salmonsén does not disclose a trigger based upon a predetermined amount of data as described above.

Furthermore, claim 5 recites, “in the step of correcting, a change of the recording power in each correction is restricted to be less than a predetermined value.” Salmonsens does not disclose this limitation. The Office Action states that “the recording power is restricted to be less than a predetermined value in order for the data to be ideal.” Applicant respectfully submits that this statement fails to address the deficiency of Salmonsens. The claim language refers to restricting the “change of the recording power,” not the actual recording power as the Office Action refers to. Salmonsens does not mention restricting the change in recording power at any point, by any means or amount. Claim 5 is therefore allowable over Salmonsens.

Claim 10 recites, “interrupting an operation of recording data in an optical data recording medium when a predetermined amount of data is continuously recorded,” and therefore should be allowable over Salmonsens for at least the reasons provided above related to claims 2 and 3.

Claim 10 also recites “a setting being made so that a reading quality is an optimum during the measurement of the recording quality, and the setting being made so that the recording quality is an optimum after the measurement of the recording quality.” Salmonsens does not disclose this limitation.

Referring to Salmonsens FIG. 4, step 440 “read previously written data,” the Office Action asserts that Salmonsens “*inherently* sets the reading parameters at an optimum state because Salmonsens’s goal is to correctly and optimally adjust the recording power for subsequent recordings.” The Office Action makes an assumption about Salmonsens that is not supported, namely, that Salmonsens sets a reading parameter to an optimum state at step 440. There is no disclosure, however, about what type of reading state should be selected at step 440, or even if a reading state selection is possible at this point in Salmonsens.

If the Office Action is willing to assume that there is an optimum reading state in Salmonsens, then the Office Action should concede assumption of a normal reading state in Salmonsens as well. The Office Action has no basis to assume that Salmonsens would select the optimum state over the normal state for reading the previously written data in step 440 (Salmonsens

FIG. 4). The only reason that Salmonsens teaches reading the previously written data is to check whether the overall quality is good or not. Since the Office Action is basing its conclusion entirely on supposed inherency, it is equally reasonable to suppose that Salmonsens would inherently select a low-quality reading state at step 440 to preserve system resources, especially since actual data is not being read out at this point, but only internally checked for a general writing quality assessment.

Claim 11 depends from claim 10 and should be allowable over Salmonsens along with claim 10 for at least the reasons provided above, as well as on its own merits. Claim 13 recites similar limitations to claim 10 and should also be allowable over Salmonsens as well for at least the reasons provided above, as well as on its own merits.

In view of the above remarks, Applicant believes the pending application is in condition for allowance.

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